IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2028 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 16/11/2004 in WPMP No.22888 of 2003 in WP NO : 18366 OF 2003 on the file of the High Court.)

Between:

Pallikonda Yacub, S/o. Adam,
R/o. Thippalakatta, Kolluru Mandal, Tenali, D.M.C.

..... APPELLANT

AND

1 Panthagani Karunamma, W/o. Nagamalleswara Rao,
R/o. Thippalakatta, Kolluru Mandal, Tenali D.M.C
2 Election Officer (Mandala Education Officer), Kolluru Mandal, Kolluru.

.....RESPONDENTS

Counsel for the Appellant: MR.VENKATA RANGADAS KANURI

Counsel for the Respondent No.1: Mr.A.Vijay Kumar

Counsel for the Respondent No.2: The Govt. Pleader for Panchayat Raj and rural Development.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Interim order of status quo granted by learned single Judge is vacated by the impugned order on the ground that counsel for the petitioner-appellant was not ready and had sought adjournment. Writ petition has been admitted for hearing.

We have heard the counsel for the parties.

In such like matters, when the court, at the initial stages, was satisfied about the existence of prima facie case, which obviously led the learned single Judge in granting interim relief, it will be but proper that main petition itself is heard and decided instead of taking up the application for vacation or for vacating the interim order on any other grounds. There was no application filed to vacate the stay. Learned counsel for the appellant states that he has been always ready and willing to commence arguments and states that as and when the case is taken up, no adjournment will be sought. Learned counsel for the respondent No.1 has no objection.

Accordingly, appeal is allowed, impugned order is set aside and the Writ Petition will be posted before the learned single Judge for being heard on merits on **24th January, 2005**. Status quo will continue to be maintained during the pendency of the Writ Petition.

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DEVINDER GUPTA, CJ

16-12-2004

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M.NARAYANA REDDY, J

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Note:

Issue cc today itself

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To

1. Election Officer (Mandala Education Officer), Kolluru Mandal, Kolluru.
2. 2 CCs to the Govt. Pleader for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad. (OUT).
3. 2 CD copies.